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SECRETARIAT  
OF  
ODISHA LEGISLATIVE ASSEMBLY

NOTIFICATION

The 16th April, 2025

No. 3484/L.A.— The following Bill, which has been introduced in the Odisha Legislative Assembly on the dated 29th March, 2025 is hereby published under rule-68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

THE ODISHA PREVENTION OF LAND ENCROACHMENT  
(AMENDMENT) BILL, 2025

A

BILL

FURTHER TO AMEND THE ODISHA PREVENTION OF LAND  
ENCROACHMENT ACT, 1972

**BE** it enacted by the Legislature of the State of Odisha in the Seventy-sixth Year of the Republic of India as follows:—

Short title

1. This Act may be called the Odisha Prevention of Land Encroachment (Amendment) Act, 2025.

Amendment of  
Section 3.

2. In the Odisha Prevention of Land Encroachment Act, 1972 (hereinafter referred to as the principal Act), in Section 3, in clause (a-2), after the words “does not have any homestead land anywhere in the State” the words “or owns homestead land less than one-twenty fifth of an acre” shall be inserted.

Odisha Act 6  
of 1972.

**3.** In the principal Act, in Section 7, in sub-section (2) , —

(i) For clause (b) , the following clause shall be substituted, namely:—

“(b) Where any land is in the unauthorized occupation of a homestead less person, which is being utilized by him as homestead, the Tahasildar shall, instead of evicting such person, settle the same with him with heritable but not transferable right, so, however, that the land so settled with him together with the homestead land, if any owned by him and the homestead land owned by all the members of his family who are living with him in common mess, shall, on no account , exceed one-twenty fifth of an acre;”

(ii) After clause (b) , the following clause shall be inserted, namely, —

“(c) the homestead less person having less than one-twenty fifth of an acre of land shall be entitled for the rest quantum of land in the adjacent area if available or rest portion of land elsewhere or in the event of his willingness to exchange, will return his land to be vested with the Government and will be entitled for settlement of one-twenty fifth of an acre of land.”.

## **STATEMENT OF OBJECTS AND REASONS**

The Odisha Prevention of Land Encroachment Act, 1972 (hereinafter referred to as the OPLE Act, 1972) has been enacted to deal with prevention of unauthorized occupation of lands which are the property of Government in the State. At the same time, it also provides for settlement of land up to a certain extent with the occupant if such occupant is a "homesteadless person" or "landless person".

2. While Section 7 (1) of the OPLE Act, 1972 provides for summary eviction of any person unauthorizedly occupying land for which he is liable to pay assessment under section 4, the clause (b) of sub-section (2) of Section 7 of the said Act also provides for settlement of the land not exceeding one-tenth of an acre if the person in unauthorized occupation of such land is a "homesteadless person" and is utilizing the land as homestead.

3. The term "homesteadless person" has been defined under clause (a-2) of Section 3 of the said Act. As per the said definition, a "homesteadless person" means "a person who, together with all the members of his family who are living with him in common mess, does not have any homestead land anywhere in the State and owns less than one standard acre of land other than homestead and whose total annual income, together with the annual income of all the members of his family living with him in common mess, does not exceed rupees four thousand and two hundred or an amount which the State Government may, by notification from time to time, specify in that behalf".

4. Thus, as per the existing provisions of the OPLE Act, 1972, a person shall be eligible for settlement of land which is in his unauthorized occupation and is being utilized by him as homestead if such person does not have any homestead land anywhere in the State and owns less than one standard acre of land other than homestead and the total income of his family does not exceed an amount as specified by the Government by notification from time to time.

5. The above said provisions of the OPLE Act, 1972 debar a person/ family who possesses even a small piece of homestead land, say 500 sq. ft. of land in a rural area from being treated as "homesteadless person" even if he fulfils the

other conditions as specified in the said Act. The said person shall be liable for eviction.

6. It is proposed to bring in necessary amendment in the OPLE Act, 1972 to the effect that a person who owns homestead land less than one-twenty fifth of an acre and subject to fulfilling other criteria shall also be considered as a "homesteadless person".

7. It is further proposed to provide that the land shall be settled with the homesteadless person with heritable but not transferable right and the extent of land so settled shall be such that the settled land together with the homestead land, if any owned by him and by all the members of his family who are living with him in common mess, shall, on no account, exceed one- twenty fifth of an acre.

8. It is also proposed to insert a new clause (c) in sub-section (2) of Section 7 of the OPLE Act, 1972 to the effect that the homesteadless person having less than one-twenty fifth of an acre of land shall be entitled for the rest quantum of land in the adjacent area if available or rest portion of land elsewhere or in the event of his willingness to exchange, will return his land to be vested with the Government and will be entitled for settlement of one-twenty fifth of an acre of land.

The Bill seeks to achieve the above objectives.

SURESH PUJARI

Member- in- Charge

SATYABRATA ROUT

SECRETARY

ODISHA LEGISLATIVE ASSEMBLY